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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/374,512	08/16/1999	Christiane Lariviere	CAN-121	3844

7590

09/12/2003

AUDLEY A CIAMPORCERO JR ESQ  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 089337003

EXAMINER

KIDWELL, MICHELE M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 09/12/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/374,512

Applicant(s)

LARIVIERE ET AL. *W*

Examiner

Michele Kidwell

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 11 and 13 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulman et al. (EP 0 852 938 A2).

With respect to claim 1, Ulman et al. (hereinafter Ulman) disclose a sanitary napkin having a main body with a longitudinal axis, two opposite longitudinal side areas and a central region intermediate said two opposite side areas (figure 12), said main body further comprising a fluid pervious liquid cover layer, an absorbent system under the cover layer and a liquid impervious barrier layer under the absorbent system (col. 4, lines 2 – 5) wherein the liquid impervious barrier layer includes adhesive capable of bonding the sanitary napkin to the undergarment (col. 18, lines 43 – 49) and the main body includes a preferential benign line extending obliquely in relation to the longitudinal axis on the main body, the preferential bending line extending from one longitudinal side

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area of the sanitary napkin to an opposite longitudinal side area, crossing the longitudinal axis of the sanitary napkin as set forth in figure 12.

The difference between Ulman and claim 1 is the provision that the sanitary napkin has a thickness not exceeding 5mm and that the adhesive is a linear adhesive zone that extends along the longitudinal axis.

It would have been obvious to one of ordinary skill in the art to modify the thickness of the Ulman napkin to have a thickness not exceeding 5mm since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range includes only a level of ordinary skill in the art.

Additionally, it is well known in the art to manufacture thinner absorbent articles in order to reduce the bulkiness of the article making it more comfortable to the wearer while reducing the possibility of the article being seen through clothing.

With respect to the linear adhesive zones, it would have been obvious to one of ordinary skill in the art to provide the adhesive in the form of linear adhesive zones located along the longitudinal axis since it has been held that rearranging parts of an invention involves only routine skill in the art.

As to claims 3 and 7, Ulman discloses a sanitary napkin wherein the bending line is formed by embossing the absorbent system as set forth in col. 20, lines 24 – 29.

With reference to claim 4, Ulman discloses a sanitary napkin including a plurality of preferential bending lines crossing one another (243, 244) and defining an array of crossing points as set forth in figure 21.

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As to claim 5, Ulman discloses a sanitary napkin wherein the crossing points extend along the longitudinal axis and facilitate folding of the napkin at a location along the longitudinal axis, the array of crossing points forming a central preferential bending zone as set forth in col. 9, lines 20 – 25 and figure 21.

With reference to claim 6, Ulman discloses a sanitary napkin wherein the main body is capable of acquiring a three dimensional profile in the form of a W profile as set forth in figure 9.

With respect to claim 8, Ulman discloses arcuate preferential bending zones as set forth in figure 12.

The difference between Ulman and claim 9 is the provision that the preferential bending zones are aligned with respective longitudinal adhesive zones.

It would have been obvious to one of ordinary skill in the art to align the bending zones with the longitudinal adhesive zones since it has been held that rearranging parts of an invention involves only routine skill in the art.

Regarding claims 10 – 11, Ulman discloses the absorbent system including a blend of cellulosic fibers and superabsorbent material as set forth in col. 13, lines 22 – 42.

As to claim 13, Ulman discloses the absorbent system including a plurality of absorbent layers in a superposed position as set forth in col. 11, lines 1 – 27 and figure 14.

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With respect to claim 14, Ulman discloses a sanitary napkin including a flap projecting from a side edge of the sanitary napkin, said flap being foldable about an edge of the crotch portion for retaining the sanitary napkin on an undergarment as set forth in col. 5, lines 33 – 38 and figure 19.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulman et al. (EP 0 852 938 A2) and further in view of Cohen et al. (US 5,505,719).

The difference between Ulman and claim 12 is the provision that the absorbent system include an absorbent layer having a basis weight of from about 100 g/m<sup>2</sup> to about 700 g/m<sup>2</sup> which has been air laid as a bottom stratum of pulp, a middle stratum of pulp and superabsorbent polymer disposed in amongst the pulp and a top stratum containing at least some pulp.

Cohen et al. disclose such a structure in col. 5, line 53 to col. 8, line 39.

It would have been obvious to one of ordinary skill in the art to modify the absorbent system of Ulman to provide one as claimed because this type of absorbent system improves the sequestering of liquids within the absorbent structure as taught by Cohen et al. in col. 4, lines 31 – 45.

### ***Allowable Subject Matter***


Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 703-308-1957. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Michele Kidwell   
August 25, 2003

  
WEILUN LO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700